

Date: Wed, 26 May 93 04:30:28 PDT
From: Ham-Policy Mailing List and Newsgroup <ham-policy@ucsd.edu>
Errors-To: Ham-Policy-Errors@UCSD.Edu
Reply-To: Ham-Policy@UCSD.Edu
Precedence: Bulk
Subject: Ham-Policy Digest V93 #164
To: Ham-Policy

Ham-Policy Digest Wed, 26 May 93 Volume 93 : Issue 164

Today's Topics:

Copyright Violation (2 msgs)

Send Replies or notes for publication to: <Ham-Policy@UCSD.Edu>
Send subscription requests to: <Ham-Policy-REQUEST@UCSD.Edu>
Problems you can't solve otherwise to brian@ucsd.edu.

Archives of past issues of the Ham-Policy Digest are available
(by FTP only) from UCSD.Edu in directory "mailarchives/ham-policy".

We trust that readers are intelligent enough to realize that all text
herein consists of personal comments and does not represent the official
policies or positions of any party. Your mileage may vary. So there.

Date: Tue, 25 May 1993 11:41:39 GMT
From: usc!zaphod.mps.ohio-state.edu!sol.ctr.columbia.edu!news.unomaha.edu!cwis!
pschleck@network.UCSD.EDU
Subject: Copyright Violation
To: ham-policy@ucsd.edu

jangus@skyld.tele.com (Jeffrey D. Angus) writes:

>Since everyone seems to be so hot to trot about the US Amateur Callbook,
>and whether or not they can send information around, here's the statement
>right out of the front of the book.

[remaining flames deleted]

Yes, the Callbook is copyrighted, because it's a compilation of
information, which has enhanced value. HOWEVER, much of the source
material (such as the FCC database, Q Codes, etc.) is in the public
domain. I'm confused by your statement that some of us on the net are
violating copyright laws, since we are only dealing in the source
material, not printing up the entire compilation and passing it off.
It is doubtful the publishers could sue someone for exchanging callsign
information (any more that someone could be sued for exchanging phone

numbers or geographic information). Most such compilations have the occasional phony entry to catch unscrupulous publishers of the WHOLE THING (interesting thread about second-source phone books in comp.dcom.telecom), but how are they going to possibly prove where you got the mailing address of KD3FU, or the definition of "QSL?"

Perhaps you should have also read up on the interpretation of "fair use" for personal and educational purposes before flaming to the net.

Remember, just because they try to disclaim against certain things, doesn't mean its gospel. Talk to a lawyer sometime.

73, Paul W. Schleck, KD3FU

pschleck@unomaha.edu

Date: Tue, 25 May 93 14:56:19 GMT
From: walter!porthos!dancer!whs70@uunet.uu.net
Subject: Copyright Violation
To: ham-policy@ucsd.edu

In article <pschleck.738330099@cwis> pschleck@cwis.unomaha.edu (Paul W Schleck KD3FU) writes:

>jangus@skyld.tele.com (Jeffrey D. Angus) writes:
>>Since everyone seems to be so hot to trot about the US Amateur Callbook,
>>and whether or not they can send information around, here's the statement
>>right out of the front of the book.

>Yes, the Callbook is copyrighted, because it's a compilation of
>information, which has enhanced value.

Enhanced value alone is not the criteria, see additional
comments below.

> HOWEVER, much of the source
>material (such as the FCC database, Q Codes, etc.) is in the public
>domain.

Actually, ALL of that source material is public.

>I'm confused by your statement (statement made by another net
>poster to which this response was directed) that some of us on the net are
>violating copyright laws, since we are only dealing in the source
>material, not printing up the entire compilation and passing it off.
>It is doubtful the publishers could sue someone for exchanging callsign
>information (any more that someone could be sued for exchanging phone

>numbers or geographic information). Most such compilations have the
>occasional phony entry to catch unscrupulous publishers of the WHOLE
>THING (interesting thread about second-source phone books in
>comp.dcom.telecom), but how are they going to possibly prove where you
>got the mailing address of KD3FU, or the definition of "QSL?"
>73, Paul W. Schleck, KD3FU

Actually, there was a recent supreme court case which is very similar to this issue. The court held that the telephone company white pages were NOT protected by copyright because (1) all the data was pure factual in nature AND (2) the organization of that data in an alphabetical fashion did NOT represent any creative effort which would otherwise be protected by copyright. So...since most of the callbook is just the FCC database arranged alphabetically by callsign or some other common element (eg. last name, etc.) I'd say that sharing the info about specific hams is certainly not a violation of copyright, nor is it even a likely violation if someone copied major portions of the alpha listings.

Remember, NO ONE can copyright the fact that John Doe, KL3XXX lives at a certain address, has a certain license, etc. FACTS can not be copyrighted. Copyright only protects unique (not alphabetical or numerical sorts) compilations and then it only protects the entire compilation as a unique creative work, it does not protect the individual factual data that comprises the unique listing. As Paul points out, the mere sharing of individual entries (names, calls, addresses) is certainly not violating anything.

Standard Disclaimer- Any opinions, etc. are mine and NOT my employer's.

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End of Ham-Policy Digest V93 #164
